

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

This application has been reviewed in light of the Office Action dated March 12, 2003. Claims 1-24 are currently pending in the application. Claims 1-5, 9-17, and 21-24 have been rejected, and Claims 6-8 and 18-20 have been objected to, but still have been found to contain allowable subject matter. It is gratefully acknowledged that the Examiner has withdrawn the Finality of the Office Action during a telephone interview on April 3, 2003, with Douglas M. Owens.

In the Office Action, the Examiner has again rejected Claims 1, 3-5, 9-13, 15-17, and 21-24 under 35 U.S.C. § 103(a) as being unpatentable over applicants' admitted prior art in view of *Scott et al.* (U.S. 6,154,486) and *Hashimoto* (U.S. 5,375,252), and Claims 2 and 14 under 35 U.S.C. § 103(a) as being unpatentable over applicants' admitted prior art in view of *Scott et al.*, and further in view of *Nakamura et al.* (U.S. 6,314,090). In addition, the Examiner still finds Claims 6-8 and 18-20 objected to, but allowed if re-written in independent form to include all the limitations of the base claim and any intervening claims.

As stated above, the Examiner has rejected Claims 1 and 13, the independent claims of the present application, under 35 U.S.C. § 103(a) as being unpatentable over applicants' admitted prior art in view of *Scott* and *Hashimoto*. Specifically, the Examiner asserts that applicant's admitted prior art in view of *Scott* discloses all the elements of Claims 1 and 13 except for intermittently transmitting a preamble signal during a preamble interval prior to a transmission interval of a reverse access channel message, which is allegedly disclosed in *Hashimoto*.

Hashimoto discloses transmitting from a plurality of transmitters a selective call signal, which includes a shortened preamble signal and a code word, after a predetermined transmission time delay has elapsed. The shortened preamble of the selective call signal has a length equal to or longer than a sum of a maximum transmission time delay and a predetermined minimum length of the preamble signal. It is respectfully submitted that this process cited by the Examiner is not an

equivalent of "intermittently transmitting a preamble" as disclosed in Claims 1 and 13 of the present, nor does *Hashimoto* discloses "intermittently transmitting a preamble" in any other portion.

More specifically, independent Claim 1 and amended independent Claim 13 of the present application disclose "a transmitter" for "intermittently transmitting a preamble". For the selective call signal in *Hashimoto*, a plurality of transmitters (in FIG. 5, Transmitters #1-#3) each transmit a preamble signal after a respective delay time (D1-D3). In addition, in *Hashimoto*, the shortened preamble of the selective call signal has a length equal to or longer than a sum of a maximum transmission time delay and a predetermined minimum length of the preamble signal. Therefore, it is respectfully submitted that FIG. 5 in *Hashimoto* actually illustrates three different transmitters for transmitting three different preambles, not a single transmitter for intermittently transmitting a preamble signal as disclosed in Claim 1 of the present application.

Further, the Examiner alleges that because each transmitter in *Hashimoto* is transmitting a preamble at different times, the transmission of the preamble signal is intermittent. However, while in *Hashimoto* each transmitter may start transmitting a preamble signal at a different time, due to the varying lengths of each of the preamble signals, each transmitter will eventually be transmitting a preamble signal at the same time, therefore not intermittently.

In addition, even using the Examiner's definition of intermittent with *Hashimoto*, *Hashimoto* cannot perform intermittent transmission using a single transmitter, as disclosed in independent Claims 1 and 13 of the present invention. Therefore, it is respectfully submitted that independent Claims 1 and 13 are patentably distinct from applicants' admitted prior art in view of *Scott* and *Hashimoto*, and it is respectfully submitted that the rejections of Claims 1 and 13 be withdrawn.

It is respectfully submitted that Claims 1 and 13 are in condition for allowance. Without conceding the patentability per se of dependent Claims 2-12 and 14-24, they are likewise believed to be allowable by virtue of their dependence on Claims 1 and 13, respectively. Accordingly, reconsideration and withdrawal of the rejections and objections of dependent Claims 2-12 and 14-24 are respectfully requested.

In view of the preceding amendments and remarks, it is respectfully submitted that all pending claims, namely Claims 1-24 are in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,



Paul J. Farrell
Reg. No. 33,494
Attorney for Applicant(s)

DILWORTH & BARRESE, LLP

333 Earle Ovington Blvd.

Uniondale, New York 11553

Tel: (516) 228-8484

Fax: (516) 228-8516

PJF/DMO/lah